UNITED STATES PATENT AND TRADEMARK OFFICE

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10/061,896	02/01/2002	Thomas J. Carter III	T00020	8872

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EXAMINER
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ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/061,896	CARTER ET AL.
	Examiner	Art Unit	
	FREDA A. NELSON	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 June 2008_.
2a)☐ This action is **FINAL**.　　　　　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13 and 53-75_ is/are pending in the application.
　　 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-13 and 53-75_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
　　 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　 a)☐ All　 b)☐ Some * c)☐ None of:
　　　　 1.☐ Certified copies of the priority documents have been received.
　　　　 2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　　 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)　　　　　　　　　　Office Action Summary　　　　　　　　Part of Paper No./Mail Date 20080802

DETAILED ACTION

The amendment received on June 2, 2008 is acknowledged and entered. Claims 1 and 58-75 have been amended. No claims have been added. Claims 1-13 and 53-75 are currently pending.

Response to Amendments and Arguments

Applicant's arguments filed June 2, 2008 have been fully considered but they are not persuasive.

In response to Applicant's argument that in regards to claims 1, 58, and 75 Henson ('383) and Henson('815) does not teach or suggest "receiving at least first and second configurations of the product, wherein the first and second configurations of the product are sent at one time by a user", the Examiner respectfully disagrees. Henson ('815) discloses lead time advisor 74 further provides a contrast and compare option, selected by activation of contrast and compare button 99a, 99b, accordingly (FIG. 4). Upon selection of a contrast and compare button, the lead time advisor advances to a contrast and compare screen display 101, such as shown in FIG. 5. The contrast and compare display includes details of the respective *current selection 92a and details of alternative selections* 94a.sub.1, 94a.sub.2, and 94a.sub.3 to enable the online shopper to make a *side-by-side comparison* of respective technical specifications. Update selection buttons 98a.sub.1, 98a.sub.2, 98a.sub.3 are provided for enabling a selection of a respective update (col. 9, lines 19-38 {The Examiner interprets this to

mean that least 2 configurations have been received or sent if a compare button is being offered. Also Henson discloses different types of users see FIG. 1 [14, 40]).

In response to Applicant's argument that "Lead time advisor 74 calculates the change ...and the price of at least one recommendation" of Henson ('816) does not disclose "receiving at least first and second configurations of the product, wherein the first and second configurations of the product are sent at one time by a user", the Examiner respectfully disagrees because the Examiner interprets this to mean that least 2 configurations have been received or sent if there is a prior component and a recommendation.

In response to Applicant's argument that in regards to claims 1, 58, and 75 Henson ('383) in view of Henson('815) does not teach or suggest "receiving at least first and second configurations of the product, wherein the first and second configurations of the product are sent at one time by a user", the Examiner respectfully disagrees. Henson ('815) discloses "receiving at least first and second configurations of the product, wherein the first and second configurations of the product are sent at one time by a user" see (FIG 4 [92, 94, 99a and 99b).

Claim Rejections - 35 USC § 112, 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 59-74 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 59-74 recite the limitation "the computer readable medium" in line 11,

respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

1.   Claims 1, 5-10, 58, 62-66, and 70-75 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Henson (US Patent Number 6,167,383), in view of

Henson (US Patent Number 7, 035, 815), still in further view of Connors et al. (US

Patent Number 7,130,821).

As per claims 1, 58, and 75, Henson ('383) discloses a method of using a

computer system for generating a delta price relative to a base price of a configuration

of features, the method comprising:

generating a delta price following modification of the configuration by changing a

number of the features in the configuration, wherein the modification of the configuration

results in a price change of the configuration and the delta price comprises a difference

between the base price and the base price adjusted by the price change (col. 2, lines 5-

19; FIG. 6); and

generating a modified price using said the delta price and the base price (col. 2, lines 9-12); and

providing the modified price and the delta price to a computer system of a user to indicate to the user a pricing impact associated with the modification of the configuration (col. 2, lines 5-19).

Henson does not expressly disclose receiving at least first and second configurations of the product, wherein the first and second configurations of the product are sent at one time by a user; and a comparison of the modified price of the first configuration and the price of the second configuration of the product.

However, Henson ('816) discloses in addition, each alternate recommendation includes a change in price indication. Lead time advisor 74 calculates the change in price differential by taking the difference between the price of the prior component and price of the at least one recommendation.(col. 8, lines 26-38; FIG. 5).

Connors et al. disclose in operation 2812, data is provided to the first computer system to allow the first computer system to display the first and second product configurations and allow comparison of features of the first and second product configurations (col. 12, lines 53-65; abstract; also see FIGS. 7, 19, and 28.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Henson ('383) to include the feature of Henson ('816) and Connors providing the customer with comparison to two or more modified prices of configurations to provide the user the ability to compare prices.

As per claims 5 and 62, Henson discloses the method, further comprising:

receiving a selection removing a feature from the configuration of features,

wherein the modification of the configuration comprises removing the feature from the

configuration (col. 2, lines 5-19);

the final price is associated with a product (see FIG. 6);

the configuration of features represents the product, and the final price is

generated in response to the selection of removing the feature from the product (col. 2,

lines 9-12; col. 8, lines 45-55; FIG. 6).

As per claims 6 and 64, Henson discloses the method wherein the computer

system of the user is a client computer system (see FIG. 2);

the delta price is generated by a server computer system (see FIG. 2);

the delta price is generated in response to a selection of a feature at the client

computer system (col. 2, lines 9-12), and

the client computer system is communicatively coupled to the server computer

system (see FIG. 2).

As per claim 7 and 63, Henson discloses the method wherein further comprising:

providing the final price to the client computer system for display by the client

computer system (see FIG. 6).

As per claims 8 and 64, Henson discloses the method wherein the base price is generated in response to a selection of a first item, and the delta price is generated in response to a selection of a second item (see FIG. 5).

As per claims 9 and 65, Henson discloses the method of claim 8, wherein the first item is a product (see FIG. 5); and the second item is a feature of the product (see FIG. 5).

As per claims 10 and 66, Henson discloses the method of claim 8, wherein the first item is a service (col. 10, lines 7-18); and the second item is a feature of the service (col. 10, lines 7-18; col. 15, lines 54-60).

As per claims 53 and 70, Henson discloses the method of claim 1 further comprising: wherein the modification of the first configuration comprises adding an additional feature to the configuration (FIGS. 3A-3B).

As per claims 54 and 71, Henson discloses the method of claim 53 wherein modification of the first configuration further comprises adding multiple features to the configuration (FIGS. 3A-3B).

As per claims 55 and 72, Henson discloses the method of claim 53 wherein modification of the first configuration further comprises adding multiple features to the

configuration and removing at least one of the features of the configuration (FIGS. 3A-3B; FIG. 5).

As per claims 56 and 73, Henson discloses the method of claim 1 wherein modification of the first configuration further comprises removing one of the features of the configuration ((col. 2, lines 9-12; col. 8, lines 45-55; FIGS. 5 and 6).

As per claims 57 and 74, Henson disclose the method of claim 1 wherein a unique feature is a feature not common to both the modification of the first configuration and the configuration of features, each unique feature has an individual price, and the price change does not equal an aggregate of each individual price for each unique feature (col. 10, lines 7-18; col. 15, lines 54-60).

2.   **Claims 2-4, 11-13, 59-61 and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (US Patent Number 6,167,383) in view of Henson (US Patent Number 7, 035, 816), still in further view of Hara et al. (US PG Pub. 2003/0088431).**

As per claims 2-3 and 59-60, Henson et al. do not disclose the method of claim 1, wherein the price of the first configuration prior to the modification of one or more features of the first configuration, the method further comprising generating a final price of the first configuration using said the base price and said the delta price; and generating a final price of the configuration comprises adjusting the base price by the delta price.

However, Hara et al. disclose that the system comprises a standard price storing section for storing a price presented by the seller in response to specifications of an article presented by the buyer, as a standard

price, a standard specifications table for storing specifications presented by the buyer and a correction table for storing information required to correct the standard price of the article, presented by the seller (abstract); the standard price storing section stores a price presented by the seller in response to specifications of an article presented by the buyer, as a standard price (paragraph [0006]); and this means that the change in the specifications results in additional cost of 18.4 yen. Provided that the bidding price is 2666.85 yen, for example, the total of correction values of 18.4 yen is added to the bidding price so that a corrected price amounts to 2685.24 yen (paragraph [0048];[0054]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Henson et al. to include the feature of Hara et al. in order to provide the user with a price for a basic product before configuration.

As per claims 4 and 61, Henson discloses the method of claim 2, further comprising:

receiving a selection of an additional feature (see FIG. 5), wherein:

the modification of the configuration comprises adding the additional feature to the configuration (see FIG. 5); and

the final price is associated with a product (see FIG. 6).

Henson does not expressly disclose that the delta price is generated in response to the selection of the additional feature for said the product.

However, Hara et al. disclose that FIG. 6 is an example of a screen through which an in-house user 4 (FIG. 1) on-line estimates a corrected price after a change in the specifications (paragraph [0052]); and when a user inputs and sends, for example, a commodity code of "commodity A" through a predetermined screen, the automatic correcting section 30 is started. As explained with reference to step 51 of FIG. 5, the automatic correcting section 30 extracts the standard specifications 61 corresponding to the input commodity code from the standard specifications table 21 and further extracts correction data 62 corresponding to the standard specifications 61 to display the specifications and data on a screen 60 (paragraph [0052]; FIGS. 3(a)-3(c) and FIG. 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Henson to include the feature of Hara et al. in order to provide the user with the changed specification and the change in price (Hara et al.; paragraph [0052]).

As per claims 11 and 67, Henson discloses that the pricing option module 28 includes an update price function, wherein the update price function causes the price displayed on the configuration screen to reflect any changes made to the system options. Selection of the update price function can be accomplished by clicking on an "UPDATE PRICE" icon 72 on the configuration screen (col. 6, lines 118-30).

However, Henson does not explicitly disclose the method of claim 1, the method

further comprising: generating a second delta price following a modification of the first

configuration by changing a number of the features in the first configuration, wherein the

modification of the first configuration results in a price change of the first configuration

and the second delta price comprises a difference between the base price and the base

price adjusted by the price change of the first configuration; generating a second

modified price using the base price and the second delta price; and providing the

second modified price and the second delta price to the computer system of the user to

indicate to the user a pricing impact associated with the modification of the first

configuration.

Hara et al. disclose generating a second delta price following a modification of

the first configuration by changing a number of the features in the first configuration,

wherein the modification of the first configuration results in a price change of the first

configuration and the second delta price comprises a difference between the base price

and the base price adjusted by the price change of the first configuration (FIG. 7);

generating a second modified price using the price and the second delta price

(Fig. 7); and

providing the second modified price and the second delta price to the computer

system of the user to indicate to the user a pricing impact associated with the

modification of the first configuration (FIG. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Henson to include the feature of

Hara et al. in order to provide the user with the ability to continuously update the pricing

for the changes made.

As per claims 12 and 68, Henson discloses the method of claim 11, wherein the

computer system of the user is a client computer system (FIG. 2).

However, Henson does not disclose the first delta price and the second delta

price are generated by a server computer system;

the first delta price is generated in response to a first selection of a first feature at

the client computer system;

the second delta price is generated in response to a second selection of a

second feature at the client computer system; and

the client computer system is communicatively coupled to the server computer

system.

However, Hara et al. disclose first delta price and the second delta price are

generated by a server computer system (FIG. 1);

the first delta price is generated in response to a first selection of a first feature at

the client computer system (FIG. 7);

the second delta price is generated in response to a second selection of a

second feature at the client computer system (FIG. 7); and

the client computer system is communicatively coupled to the server computer

system (FIG. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Henson to include the feature of Hara et al. in order to provide the user with the ability to continuously update the pricing for the changes made.

As per claims 13 and 69, Henson does not disclose the method of claim 12, wherein further comprising:

generating a final price of the first configuration using a base price of the first configuration and the second delta price; and

providing the final price to the client computer system for display by the client computer system to allow comparison between the final price and the first modified price.

However, Hara et al. disclose generating a final price of the second configuration using the base price and the second delta price (FIG. 7); and

providing the final price to the client computer system for display by the client computer system to allow comparison between the final price and the first modified price (FIG. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Henson et al. to include the feature of Hara et al. in order to provide the user the ability to compare items and pricing of modifications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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